

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KEVIN L. DICKENS,

Plaintiff,

v.

JOSEPH BELANGER, ET AL.,

Defendants.

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C. A. No. 04-201-LPS

**MEMORANDUM ORDER**

At Wilmington, this 24th day of May, 2013:

The Court having considered the parties' respective letters dated May 21, 2013 (D.I. 277; D.I. 278), as well as Defendants' Rule 50 Motion on Plaintiff's Request for Injunctive Relief (the "Motion") (D.I. 271), and Plaintiff's response thereto (D.I. 273);

IT IS HEREBY ORDERED that:

1. Defendants' Motion (D.I. 271) is GRANTED.

a. As set forth in the Final Pretrial Order, under the heading "VII. Damages," Plaintiff seeks permanent injunctive relief in the form of a restraining order against defendants, as well as a transfer to another prison in Delaware. (*See* D.I. 234 at 38)

b. In support of his request for equitable relief, counsel for Plaintiff stated during argument on Defendants' Rule 40 Motion:

As to the equitable relief, I believe that there are some defendants that are still present at the prison. Those defendants would still be a danger to Mr. Dickens, and he is still pursuing the equitable relief as to those defendants.

(Apr. 19, 2013 Hr'g Tr. at 773-74 (D.I. 278 Ex. 3))

c. When asked if "there [was] anything in the record" as of the close of Plaintiff's case "from which [the Court] could find that some of the defendants are still present where they would have the ability to potentially harm [Plaintiff], and therefore provide arguably a basis for relief," Plaintiff's counsel responded in the negative. (*See id.* at 774)

d. Subsequently, the jury determined that none of the Defendants had violated Plaintiff's constitutional rights. (*See* D.I. 268) As Defendants point out, pursuant to the Prison Litigation Reform Act, 18 U.S.C. § 3626 (a)(1)(A), "[p]rospective relief in any civil action with respect to prison conditions shall extend no further than necessary *to correct the violation of the Federal right of a particular plaintiff or plaintiffs*" (emphasis added). Here, no violation of a federal right has been demonstrated.

2. The Court will enter a form of Judgment consistent with this Order and the verdict rendered by the jury in this case. (D.I. 268) Such a form of Order has been proposed by Defendants. (D.I. 276 Ex. 1)

  
UNITED STATES DISTRICT JUDGE